

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Itoffee R. Gayle

Write the full name of each plaintiff.

IV 18 CV 6025

(Include case number if one has been assigned)

-against-

Angie Villamarín

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

**COMPLAINT**

Do you want a jury trial?

Yes  No

**NOTICE**

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

## I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

**Federal Question**  
 **Diversity of Citizenship**

### A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

i) Federal TRADEMARK INFRINGEMENT under 15 USC.  
ii) Federal UNFAIR competition under 15 USC.  
iii) TRADEMARK infringement under RELATED STATE LAWS  
iv) COPYRIGHT INFRINGEMENT under 17 USC

### B. If you checked Diversity of Citizenship

#### 1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, Itoffee R. Gayle,  
(Plaintiff's name)

NEW YORK

(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

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If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, Angie Villamartin, is a citizen of the State of  
(Defendant's name) New York

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of \_\_\_\_\_

If the defendant is a corporation:

The defendant, \_\_\_\_\_, is incorporated under the laws of the State of \_\_\_\_\_  
and has its principal place of business in the State of \_\_\_\_\_  
or is incorporated under the laws of (foreign state) \_\_\_\_\_  
and has its principal place of business in \_\_\_\_\_.

If more than one defendant is named in the complaint, attach additional pages providing information for each additional defendant.

## II. PARTIES

### A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

First Name Itoffee Middle Initial R Last Name Gayle

Street Address 2010 powell Zip Code 10472

County, City Bronx State N.Y. Zip Code 10472

Telephone Number \_\_\_\_\_ Email Address (if available) ItoffeeGayle@yahoo.com

**B. Defendant Information**

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:

First Name	Last Name
REP ALL-STAR COACH	
Current Job Title (or other identifying information)	
212 North End Ave	
Current Work Address (or other address where defendant may be served)	
County, City	State
New York City N.Y.	
Zip Code	
10282	

Defendant 2:

First Name	Last Name
Current Job Title (or other identifying information)	
Current Work Address (or other address where defendant may be served)	
County, City	State
Zip Code	

Defendant 3:

First Name	Last Name
Current Job Title (or other identifying information)	
Current Work Address (or other address where defendant may be served)	
County, City	State
Zip Code	

Defendant 4:

First Name \_\_\_\_\_ Last Name \_\_\_\_\_

Current Job Title (or other identifying information) \_\_\_\_\_

Current Work Address (or other address where defendant may be served) \_\_\_\_\_

County, City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**III. STATEMENT OF CLAIM**

Place(s) of occurrence: New York

Date(s) of occurrence: 2016

**FACTS:**

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

① The defendant Angie Villamarin used the TRADEmARK "ART we ALL" REGISTRATION 5108721 along with Copyrights VA 2008958 and VA 2006958 in the manufacturing of BASEBALL HATS now popularly known as "Dad Hats". The defendant was contacted via the Social media platform, Instagram<sup>IN 2016</sup>, to cease production of the FRAUDulent HATS containing the "ART we ALL" TRADEmARK. Despite the firm warning, the defendant continued to MANUFACTURE, PROMOTE, AND SELL FALSE VERSIONS OF ARTwe ALL Dad Hats VIA Direct SALES, POP UP ART SHOWS, AND

Sales via Sideshow Skate Shop.

In addition, the counterfeit hat was used as a prop in music video produced by John Green Films

② The counterfeit hat and Plaintiff's hat are one in the same, with the exception for the BACK design. Plaintiff's authentic model includes "NYC" while defendant's fraudulent model includes "GreedySouls". The defendant use of the plaintiff's well known "Art We All" design and moniker is likely to cause consumers to falsely believe that defendant's products come from or are otherwise associated with Plaintiff.

③ AS A RESULT, the Plaintiff, Itoffee R. Gayle sets forth claims for

COPYRIGHT and TRADEMARK INFRINGEMENT,  
UNFAIR competition and deceptive  
TRADE practices. The Plaintiff seeks  
Financial relief amounting to  
\$850,000 for treble and punitive  
DAMAGES. In addition, the Plaintiff  
requires an accounting of defendant's  
Profits from all sales of  
Counterfeit hats including the  
Sales records from Sideshow  
Skate Shop and permanent  
cease in production, promotion  
and selling of counterfeit  
ART WE ALL DAD HATS.

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**INJURIES:**

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

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**IV. RELIEF**

State briefly what money damages or other relief you want the court to order.

\$ 850,000

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## V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

Dated		<u>July 2, 2018</u>		Plaintiff's Signature
First Name	<u>Itoffee</u>	Middle Initial	<u>R</u>	<u>Gayle</u>
Street Address	<u>2010 Powell Ave</u>			Last Name
County, City	<u>Bronx</u>		State	<u>N.Y.</u>
Telephone Number				Zip Code
Email Address (if available)				

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

Yes     No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

# Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Acting United States Register of Copyrights and Director

**Registration Number**

**VA 2-088-822**

**Effective Date of Registration:**  
March 28, 2017

## Title

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**Title of Work:** Art we All Group Registration Photos, New York, published January 1, 2012; 13 photos.

## Completion/Publication

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**Year of Completion:** 2012  
**Date of 1st Publication:** January 01, 2012  
**Nation of 1<sup>st</sup> Publication:** United States

## Author

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- **Author:** Itoffee Gayle
- Author Created:** 2-D artwork
- Citizen of:** United States
- Domiciled in:** United States

## Copyright Claimant

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**Copyright Claimant:** Itoffee Gayle  
2010 Powell Ave, Bronx, NY, United States

## Rights and Permissions

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**Name:** Itoffee Gayle  
**Email:** itoffeegayle@yahoo.com  
**Telephone:** (917)952-5661  
**Alt. Telephone:** (347)624-2475

## Certification

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**Name:** Itoffee Gayle  
**Date:** February 06, 2018

# Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made part of the Copyright Office records.

*Marie A. Pallante*

United States Register of Copyrights and Director

## Title

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**Title of Work:** Art We All

## Completion/Publication

---

**Year of Completion:** 2012  
**Date of 1st Publication:** January 01, 2012  
**Nation of 1st Publication:** United States

## Author

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- **Author:** Itoffee Gayle
- Author Credit:** photograph
- Citizen:** United States

## Copyright Claimant

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**Copyright Claimant:** Itoffee Gayle  
 2010 Powell Ave., Bronx, NY, 10472, United States

## Rights and Permissions

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**Name:** Itoffee Gayle  
**Email:** representart1@gmail.com  
**Telephone:** (917)952-5661

## Certification

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**Name:** Itoffee Gayle  
**Date:** March 25, 2016

## Registration Number

**VA 2-006-958**

**Effective Date of Registration:**  
 March 25, 2016

United States of America  
United States Patent and Trademark Office

ART WE ALL

**Reg. No. 5,108,7**

Gayle, Itoffee (UNITED STATES INDIVIDUAL)  
2010 Powell Ave Apt 2F  
Bronx, NY 10472

**Registered Dec. , 2016**

CLASS 35: Retail store services featuring works of art

**Int. Cl.: 35**

FIRST USE 4-27-2016; IN COMMERCE 4-27-2016

**Service Mark**

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

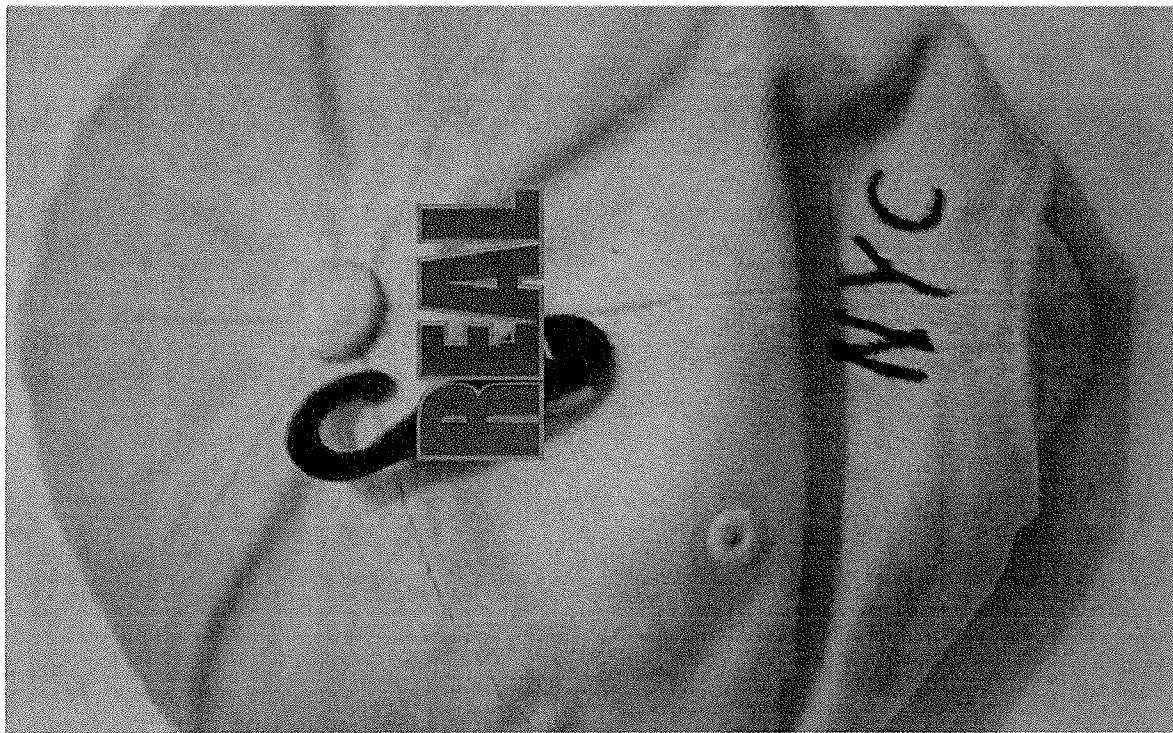
**Principal Registrant**

SER. NO. 87-032,634, FILED 05-11-2016  
STEPHANIE DIA RYDLAND, EXAMINING ATTORNEY



*Michelle K. Z.*

Director of the United States  
Patent and Trademark Office





Most Recent  
#artweall



cristianlazarus  
Bushwick/Ridgewood

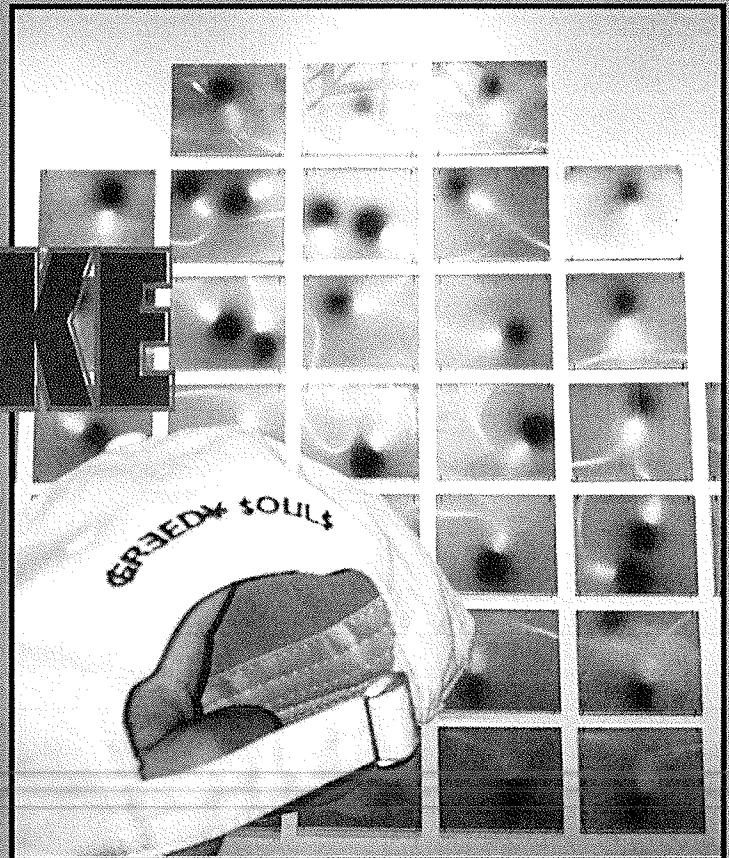
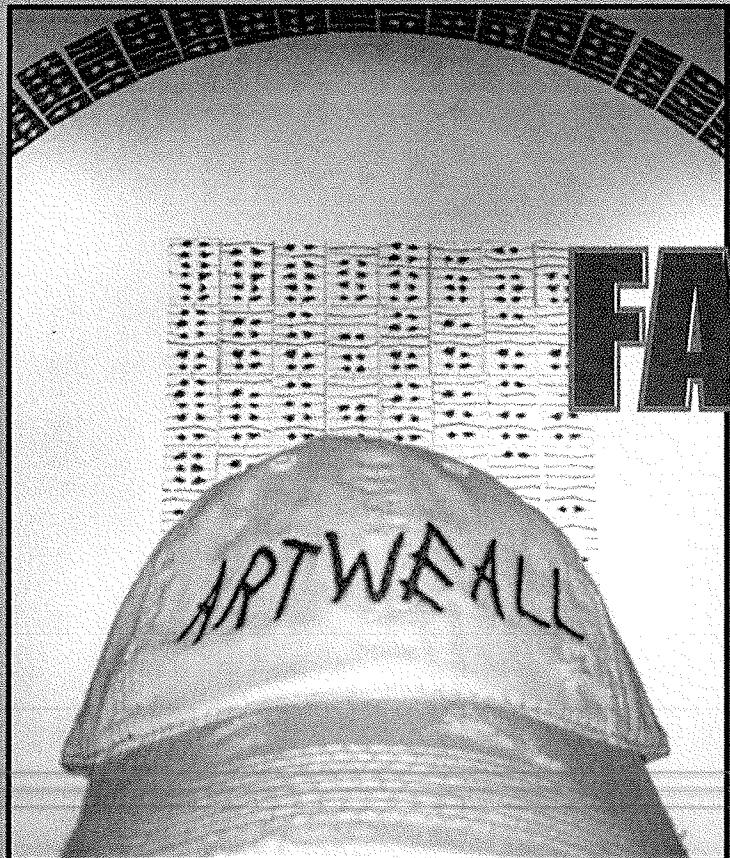
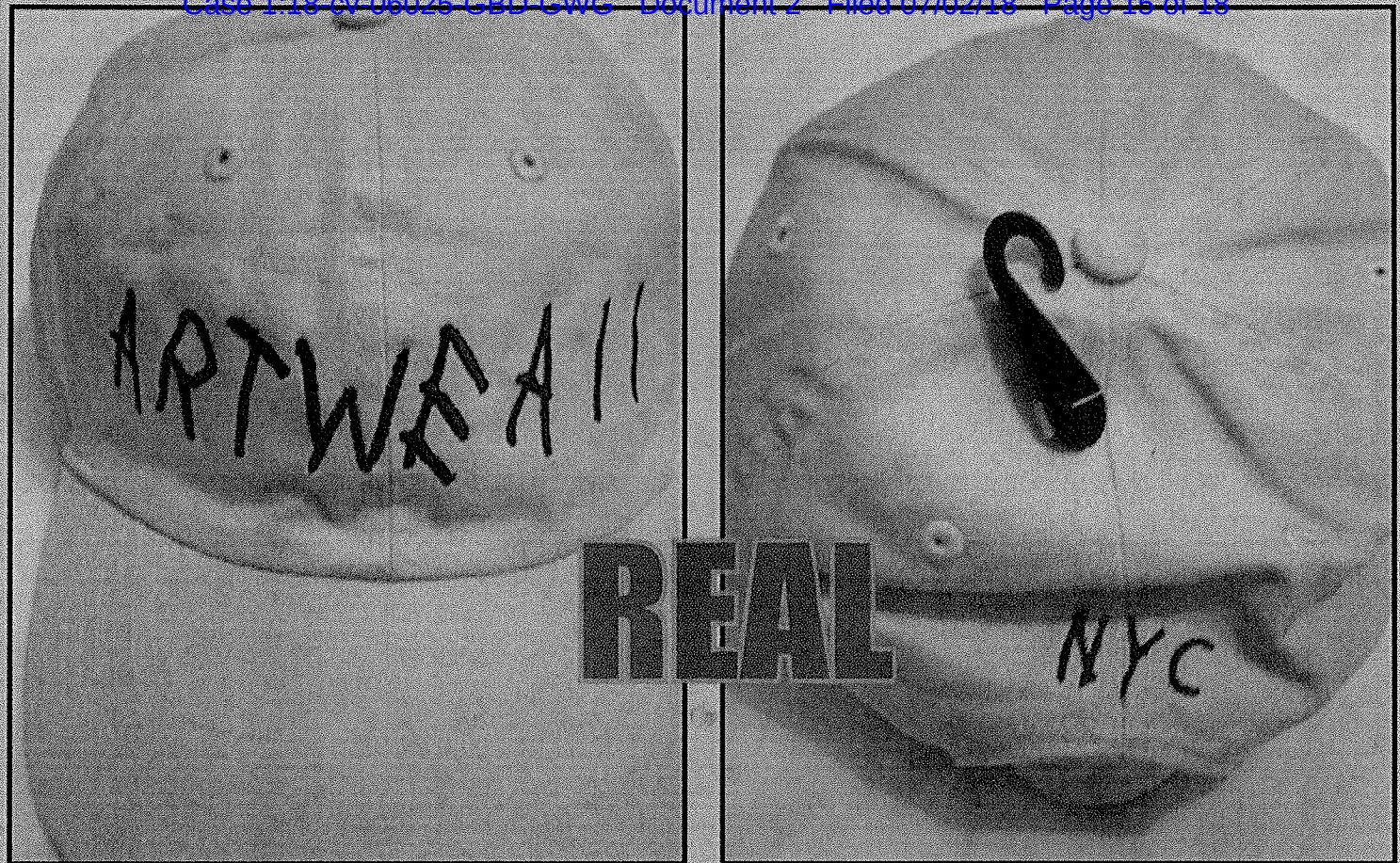
FOLLOW



► 150 views

cristianlazarus GREEDY SOUL\$ POP-UP SHOP tonight! 1001 Irving Ave, Brooklyn NY 11385 - LIVE ART, MUSIC, DRINKS & A SPECIAL GUEST PRESENTATION BETWEEN 9-10pm - COME THRU!  
#greedysouls #popupshop #brooklyn #loft #music #art #fashionevent #queenskids #artweall



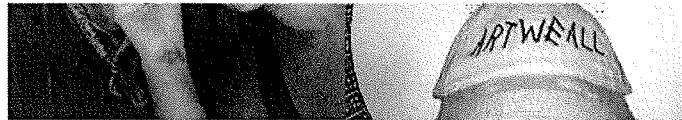




\_PINNACLE, VITALIA.G, NEEN....



Name this group...



kokamianyc\_



• 21 likes

\_pinnacle #ARTWEALL. ▼  
neen\_p ↪ send one out to Cali for me kid  
\_pinnacle I got you dim me your number I have  
juniormitch Lets shoot this  
6/30/2018 at 10:41 AM

Hello All,

On behalf of the original Artweall LLC and associates, I am extending a firm warning to you that the use of any variations of the ArtweAll LLC logo without consent will result in serious legal consequences.

Creation, distribution, and sales of merchandise containing the ArtweAll LLC logo violates the NYC's Consumer Protection Law and related laws.

Please do not hesitate to address any concerns or questions.



Write a message...





\_PINNACLE, VITALIA.G, NEEN\_...



Name this group...



Hello there to you too , on behavie of GREEDYSOULS & anyone who can relate & connect to the phrase "Art we all " is a feeling put on a cap with different font then yours & different intent nowhere does it violate the ArtweAll LLC / artweallnyc /artweallone ect...or who ever you represent ..... however, the right only applies to the types of goods or services that are registered for that name. The name does not apply to all products. If your trademark is for a line of clothing, another company can still use that name for its tractors. Also, a trademarks is limited to goods or services being produced now, not ones you are thinking about for the future.

I would appreciate if you contact me directly to address any other concerns you may have .



Write a message...



← Photo



a\_steez

Aloft Long Island City-Manhattan View



252 likes

a\_steez Everything I said, it happened 🌟 believe in yourself ! keep your faith, your trust, & never stop working on your dreams. I am grateful for all the believers, for all the love & support we been getting! (@greedysouls) Is More then just designs it's a metaphorical love message! we are creating waves ! 🌊 we are all artist ! (#artweall) #workonyou #greedysouls  
#anythingyoucanimagineisreal  
#findyourpassion #dowhatyoulove #lovewhatyoudo #secondcollection #ontheway

